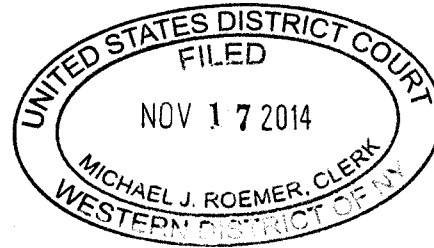


-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



ANTHONY RUGGERIO,

Plaintiff,

-v-

DECISION AND ORDER
14-CV-0307A

WESLEY K. CANFIELD, M.D., Medical Director,
Southport Correctional Facility, et al.,
BENJAMIN A. OAKES, Physician Assistant, Southport
Correctional Facility;
JEREMY CLEMENT, Registered Nurse, Southport
Correctional Facility;
THOMAS GRIFFIN, Superintendent, Southport
Correctional Facility;
DANIEL J. CHAPMAN, Correction Sergeant;
SHAWN D. PIERSON, Correction Officer;
LOUIS E. TILLINGHAST, Correction Officer;
THOMAS LAVALLEY, Superintendent, Clinton
Correctional Facility;
KANG MAENG LEE, M.D., Clinton Correctional Facility;
JOHN DOE, Medical Director, Clinton Correctional Facility;
CARL J. KOENIGSMANN, Deputy Commissioner/Chief
Medical Officer, NYDOCCS;
JOHN DOE, Regional Medical Director, NYDOCCS
for Southport Correctional Facility;
JOHN DOE, Regional Medical Director, NYDOCCS
for Clinton Correctional Facility;
E. Clarke, M.D. General Surgeon;
JOHN DOE(S), Medical Doctors and Committee Members,
APS Healthcare, Inc. Bethesda, Utilization Review Vendor
for NYDOCCS, All of the above are being sued in their
Individual Capacity,

Defendants.

Pursuant to an Order entered on September 17, 2014, the Court requested the New York State Attorney General's Office, pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (1997), to attempt to ascertain the identities of the John Doe Defendants listed in the caption of this *pro se* action and to provide addresses at which they can be served. (Docket No. 3, Order.) The New York State Attorney General's Office has identified the John Doe Defendants as follows: (1) "John Doe" listed in the caption as the Medical Director for Clinton Correctional Facility is "Vonda Johnson;" (2) "John Doe" listed in the caption as the Regional Medical Director for Southport Correctional Facility is "David Dinello;" and (3) "John Doe" listed in the caption as the Regional Medical Director for Clinton Correctional Facility is "Timothy Whalen." The Attorney General's Office has stated also that Vonda Johnson can be served at Clinton Correctional Facility, that David Dinello can be served at Southport Correctional Facility, and that Timothy Whalen can be served by forwarding the summons and complaint to Counsel's Office, New York State Department of Corrections and Community Supervision. Accordingly,

IT IS HEREBY ORDERED that the Clerk of the Court is directed to amend the caption of this action by substituting the John Doe Defendants listed in the caption with the names of said defendants as set forth above;

FURTHER, that the Clerk of the Court is directed to cause the United States Marshals Service to serve the summons and complaint, and this Order upon defendants Vonda Johnson at the Clinton Correctional Facility, David Dinello at the

Southport Correctional Facility, and Timoty Whalen at Counsel's Office, New York State Department of Corrections and Community Supervision, State Campus Office Building #2, 1220 Washington Avenue, Albany, New York 12226. DOCCS's Counsel's Office is directed to notify Whalen of service of the summons and complaint and request that he acknowledge service pursuant to N.Y.C.P.L.R. § 312-a, without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.¹

FURTHER, that the Clerk of the Court is also directed to forward a copy of this Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office <Michael.Russo@ag.ny.gov>; and

FURTHER, that pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated:

11/14/14, 2014

¹Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, see Fed.R.Civ.P. 12(a)-(b), if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.